

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff

-vs-

EDWIN O. CAIN, III

Defendant  
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: CASE NO. 5:12CR314  
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:  
: ORDER ACCEPTING PLEA  
: AGREEMENT AND JUDGMENT AND  
: NOTICE OF HEARING  
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr. regarding the change of plea hearing and plea agreement of Edwin O. Cain, III which was referred to the Magistrate Judge with the consent of the parties.

On 27 June 2012, the government filed a four-count indictment against Edwin O. Cain, III for possession with intent to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), possession with intent to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D), maintaining premises for the purpose of manufacturing, distributing and using heroin and marijuana in violation of 21 U.S.C. § 856(a)(1) and 18 U.S.C. § 2, and possession of a firearm in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c)(1)(A). On 10 July 2012, a hearing was held in which Edwin O. Cain, III entered a plea of not guilty before Magistrate

Judge Kathleen B. Burke. On 18 March 2013, Magistrate Judge Baughman received Edwin O. Cain, III's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Edwin O. Cain, III is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Edwin O. Cain, III is adjudged guilty of Counts One and Four in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 924(c)(1)(A)(1).

Sentencing will be:

**4 June 2013 at 9:30 a.m.**

**Courtroom 16B  
16th Floor, United States District Court  
801 West Superior Avenue  
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated:

15 April 2013

  
UNITED STATES DISTRICT JUDGE